

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LARRY W. JANDER, RICHARD J.
WAKSMAN, and all other individuals similarly
situated,

Plaintiffs,

v.

RETIREMENT PLANS COMMITTEE OF IBM,
RICHARD CARROLL, MARTIN
SCHROETER, and ROBERT WEBER,

Defendants.

Case No. 1:15-cv-03781-WHP

**PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, CERTIFICATION OF SETTLEMENT CLASS AND
APPROVAL OF PLAN OF ALLOCATION AND FOR RELATED RELIEF**

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Named Plaintiffs¹ Larry W. Jander and Richard Waksman file this Unopposed² Motion for Final Approval of Class Action Settlement, Certification of Settlement Class and Approval of Plan of Allocation (the “Motion”) and respectfully move the Court for an Order entering the Order and Final Judgement negotiated by the Parties to settle Named Plaintiffs’ and the Settlement Class’s claims against Defendants. The [Proposed] Final Approval Order is attached hereto.³

¹ Capitalized terms not defined herein have the definition assigned to them in the Amended Settlement Stipulation (Dkt. 117).

² The Parties have conferred and Defendants’ Counsel has represented that Plaintiffs’ Motion is unopposed.

³ Blanks remain in ¶¶ 12 (amount of Case Contribution Awards), 13 (amount of attorneys’ fees), 14 (amount of expenses reimbursed), and 15(d) (number of objections filed).

Among other things, the Order and Final Judgment will:

- (1) certify as the Settlement Class “[a]ll Persons who were participants in or beneficiaries of the IBM 401(k) Plus Plan at any time from January 21, 2014 through and including October 20, 2014 (the “Class Period”), and whose Plan accounts included investments in the IBM Stock Fund”;
- (2) appoint Named Plaintiffs Larry W. Jander and Richard Waksman as Settlement Class representatives;
- (3) appoint Zamansky LLC as Class Counsel pursuant to FED. R. CIV. P. 23(g);⁴
- (4) find that the Notice Plan has been effectuated and that it fully satisfied the requirements of FED. R. CIV. P. 23 and the requirements of due process;
- (5) certify the Settlement Class, defined in the Settlement Stipulation, solely for Settlement purposes;
- (6) approve the proposed Settlement as fair, reasonable and adequate to the Settlement Class;
- (7) approve the Plain of Allocation as fair and reasonable; and
- (8) find that Defendants complied with the Class Action Fairness Act.

The grounds for the Motion are set forth in the Declaration of Samuel E. Bonderoff In Support of Plaintiffs’ (1) Unopposed Motion for Final Approval of Settlement, Certification of Settlement Class and Approval of the Plan of Allocation, and (2) Motion for An Award of Attorneys’ Fees, Reimbursement of Litigation and Administration Expenses and Case Contribution Awards to Named Plaintiffs, and all of the exhibits attached thereto, and the supporting Memorandum of Law filed concurrently with this Motion.

New York, New York
June 25, 2021

⁴ By Order entered April 28, 2021, the Court previously appointed Zamansky LLC as preliminary Class Counsel (Dkt. 118).

By: /s/ Samuel E. Bonderoff
Samuel E. Bonderoff

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